

## TERMINAL DISCLAIMER TO OBViate A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

IL-10406B

In re Application of: Robin R. Miles

Application No.: 09/993,870

Filed: 11/15/01

For: Impedance Measurements for Detecting Pathogens Attached to Antibodies

The Regents of the University

The owner\*, of California, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/738,927, filed on 12/13/00, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.



• Signature

June 15, 2004

Date

Eddie E. Scott

Typed or printed name

(925) 424-6897

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included. \$55.00

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**EXPRESS MAIL CERTIFICATE OF MAILING**

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I hereby certify that the following attached

1. Authorization for Fee Payment for Terminal Disclaimer (2 pages) (original and copy)
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is being deposited with the United States Postal Service express mail Post Office to Addressee on the date indicated below addressed to Mail Stop RCE, Commissioner for Patents, Alexandria, VA 22313-1450.

June 15, 2004

Kathy Raymond

Date

Kathy Raymond

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant :	Robin R. Miles, et al.	Docket No. :	IL-10406B
Serial No. :	09/993,870	Art Unit :	1641
Filed :	11/15/2001	Examiner :	Kartic Padmanabhan
For :	IMPEDANCE MEASUREMENTS FOR DETECTING PATHOGENS ATTACHED TO ANTIBODIES		

**Commissioner of Patents  
Alexandria, VA 22313-1450**

**AUTHORIZATION FOR FEE PAYMENT FOR  
TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

1. A response in connection with the matter for which this authorization is provided:
  - is filed herewith
  - has been filed.
  - the response is the filing of a file wrapper or other continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.
2. Applicant is
  - a small entity - verified statement:
    - attached
    - already filed.
    - other than a small entity

3. Fee Payment

- Charge Account No. 12-0695 in the amount of \$55.00
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Dated: June 15, 2005  
Reg No. 25,220  
Tel. No.: (925) 424-6897

  
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